

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LUIS A. TALAMANTES,	)	
	)	
Petitioner,	)	No. C 06-2601 CRB (PR)
	)	
vs.	)	ORDER TO SHOW CAUSE
	)	
A. P. KANE, Warden,	)	
	)	
Respondent(s).	)	

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Petitioner, a state prisoner incarcerated at the Correctional Training Facility in Soledad, California, has filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging the decision of the Governor of the State of California to revoke a parole date granted him by the California Board of Prison Terms ("BPT").

**BACKGROUND**

Petitioner was convicted by a jury in the Superior Court of the State of California in and for the County of Los Angeles of second degree murder and, on September 25, 1991, was sentenced to 15 years to life in state prison.

Petitioner was found not suitable for parole the first time he appeared before the BPT on March 26, 2002. At his second parole suitability hearing on April 23, 2003, the BPT found him suitable for parole; however, then-governor Gray Davis reversed the BPT's determination.



**CONCLUSION**

For the foregoing reasons and for good cause shown,

1. The clerk shall serve by certified mail a copy of this order and the petition and all attachments thereto on respondent, the Attorney General of the State of California. The clerk also shall serve a copy of this order on petitioner.

2. Respondent shall file with the court and serve on petitioner, within 60 days of the issuance of this order, an answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued. Respondent shall file with the answer and serve on petitioner a copy of all portions of the state trial record that have been transcribed previously and that are relevant to a determination of the issues presented by the petition.

3. If petitioner wishes to respond to the answer, he shall do so by filing a traverse with the court and serving it on respondent within 30 days of his receipt of the answer.

SO ORDERED.

DATED: Aug. 30, 2006

  
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CHARLES R. BREYER  
United States District Judge